

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

Case Number: 22-14411-CIV-MARTINEZ-MAYNARD

R. DEVINE,

Plaintiff,

vs.

JAMES GREGORY ROSENCRANCE,
d/b/a CLEVELAND CLINIC and/or
INDIAN RIVER HOSPITAL and/or
INDIAN RIVER MEDICAL CENTER,
and RALPH BRUCE GEIGER,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THIS CAUSE was referred to the Honorable Shaniek M. Maynard, United States Magistrate Judge, for a report and recommendation on all pretrial matters. Judge Maynard has filed a Report and Recommendation on Defendants James Gregory Rosencrance and Ralph Bruce Greiger's Motion to Dismiss and Strike the Amended Complaint ("Motion to Dismiss") (ECF No. 7), recommending that it be granted. (*See* ECF No. 24 at 10–11). Judge Maynard has also filed a Report and Recommendation on Plaintiff's Motion for Summary Judgment (ECF No. 27), recommending that it be denied without prejudice. (*See* ECF No. 27). The Court has reviewed the entire file and record, and notes that no objections have been filed to either of the Reports and Recommendations. Accordingly, after careful consideration, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation on Defendants' Motion to Dismiss, (ECF No. 24), is **AFFIRMED AND ADOPTED**. Defendants' Motion to Dismiss, (ECF No. 7), is

GRANTED as follows:

- a. Plaintiff's HIPAA claims against Defendants James Gregory Rosencrance and Ralph Bruce Greiger are **DISMISSED WITH PREJUDICE**.
 - b. Plaintiff's Age Discrimination Act claims against James Gregory Rosencrance and Ralph Bruce Greiger are **DISMISSED WITH PREJUDICE**.
 - c. Plaintiff's use of "R. Devine" in the Amended Complaint is **STRICKEN** and, absent leave of Court to proceed anonymously, any amended pleading shall include Plaintiff's full legal name.
 - d. Plaintiff shall be afforded one final opportunity to amend his complaint to address the deficiencies identified in this Order and the Report and Recommendation on Defendants' Motion to Dismiss, (ECF No. 24). The deadline for Plaintiff to file an Amended Complaint is **July 3, 2023**. Plaintiff is precluded from asserting any claims against James Gregory Rosencrance and Ralph Bruce Greiger that have been dismissed with prejudice. Plaintiff is cautioned that the failure to timely amend his complaint shall lead to the dismissal of this case without prejudice and without further notice.
2. The Report and Recommendation on Plaintiff's Motion for Summary Judgment, (ECF No. 27), is **AFFIRMED AND ADOPTED**. Plaintiff's Motion for Summary Judgment is **DENIED WITHOUT PREJUDICE**.

DONE AND ORDERED in Miami, Florida, this 1 day of June, 2023.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Maynard; R. Devine, *pro se*; All Counsel of Record